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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

OCT -7 A 9:25

KOURTNEE GREENWOOD, #179810,

Petitioner,

VS.

JAMES DELOACH, ET AL.,

Respondents.

CIVIL ACTION NO 2:05-CV-733-T

AFFIDAVIT

Before me, the undersigned authority, on this day personally appeared Kourtnee Greenwood, who being by me first duly sworn, deposed and stated upon his oath the following:

My name is Kourtnee Greenwood, and I am over the age of 19 years. I have personal knowledge of the information contained in this Affidavit. I am and have been at all material times hereto an actual innocent man. incarcerated, I was unable to secure without being able to make bond, and now sentenced to life within the State of Alabama Department of Corrections.

By being incarcerated I was unable to secure any ones presence at trial, but I requested for my trial counsel to do so in my behalf. I gave my trial counsel, John W.

Hartley all the information that was needed to secure presence of witnesses, who was needed at trial. But trial counsel fail to subpoena both witnesses; two witnesses; one being potential eye-witness, Serillo, and the other being my alleged co-defendant, Jamar Brown. Trial counsel knew that "Brown" testimony potentially aided my defense and corroborated my own testimony. "Brown" testimony also would have confirmed my *alibi* defense at the time of the crime. (See D.A.R-58-60, R-206-207) which was being at home babysitting, at the time and night that the robbery was committed. But Trial Counsel fail to subpoena and procure Jamar Brown valuable testimony for trial, which Brown testimony corroborated my (Greenwood) testimony at best. (See D.A.R-58-60, R-206-207).

District Attorney, Vernetta Perkins, persuaded alleged accomplice, Jamar Brown not to testify on behalf of me in an illegal, and secret manner, in violation of my Sixth and Fourteenth Amendment right to a fair trial, and denied me my right to have compulsory process to obtain witnesses in my favor (See Affidavit of Jamar Brown attached hereto). By this corrupt effort my attorney was left unable to prepare portions of the defense, especially with respect to being

able to inform me whether I should take a plea agreement as alleged codefendant, instead of being subject to the life sentence I was sentenced to, Which is the crux of this case.

STATE OF ALABAMA)
ELMORE COUNTY)

Kourtnee Greenwood
KOURTNEE GREENWOOD

SWORN TO AND SUBSCRIBED before me this 5 day of
Oct., 2005.

Jerome Lisa
NOTARY PUBLIC

MY COMMISSION EXPIRES: *My Commission Expires March 25, 2008*

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IN REFERENCE to my case no# ^{CC} 02000905 My name is Janar Brown, On this date and time 11-21-02 I plead out to a crime I had committed, but to my understanding there is a guy by the name of Kourtney Greenwood who I supposedly have as a codefendant but I don't even know of that ~~guy~~ and he is not the person that was even present with me at the time this incident took place. I'll just start like this during my stay in the Montgy, County, Jail whenever I spoke with my lawyer Winston Durant about my cases he always seemed to speak of and ask about this guy ~~name~~ but the name of Kourtney Greenwood but I always told him I didn't even know a guy by that name so I stayed in the County Jail about 9 Months so as time went on I went to court and plead guilty to the crimes I had committed, and I noticed at this time the D.A. who name was Perkins and another white ~~guy~~ who I think was a D.A. ~~who name was Perkins~~ along with my lawyer Winston Durant all continuously asked me about the dude Kourtney Greenwood so I told them I did not even know him which I really still do not so while sitting in the cells in the back of the courtroom I was called out several times to talk to my lawyer and that D.A. lady name Ms. Perkins, so on one occasion I was called out to talk to that lady D.A. Perkins and a white guy, so she asked me about Kourtney Greenwood again so I said I keep telling yall I don't know that dude why yall keep

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asking me the same thing," so the lady D.A. Perkins said he's not a witness for Kourtney Greenwood is he speaking to the white guy I don't know his name, so the white guy said I don't think so, so I was like witness what, what y'all talking bout, so the lady D.A. Perkins said, we mean without you testifying in court for this guy we have a case on this guy. so the lady D.A. said Mr Jamar Brown you work with me I'll work with you then she said I'll see to you getting 20/3 sapt return or probation, then she said you don't have to worry bout nothing I'm going to talk to the Judge, then she said you have a nice day Mr Jamar Brown. I'll see you on the 12th of Dec til then just remember what I said then she left. So I ain't never been in nothing like this before but sapt return or Probation sounded good, so it was like a day before I went to get sentenced, I was called down to court, so when I got down there it was this other white guy name Hartley or some, I think he was that guy Kourtney Greenwood lawyer, then my lawyer that same D.A. Perkins lady and the other white guy who was with her before came to talk to me bout Testifying for that guy Kourtney Greenwood, so to be honest I was really thinking bout that sapt return or probation I was told I would get, so I just told them all the truth, that I don't even know a guy buy that name probably never seen him before and that he was not the guy that was present with me at

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the time I committed these crimes, but then I also said I was not going in that courtroom to testify, and it seems like that lady D.A. Perkins knew this was going to happen to me like this but I didn't say nothing," the reason for this letter to whomever it may concern is, I don't know if that guy Courtney Greenwood went to trial or whatever, but I heard through the jail and from a couple of people I think knew him that he got messed up for some he didn't know anything about," and I Jamar Brown is a witness to that I know for a fact that guy name Courtney Greenwood did not commit these crimes and do not know anything about them unless he was told or heard some about it, cause he I know was not the guy who was with me at the time all this trouble occurred I don't know how he ended up in this, but it had to be some mistakes made somewhere you know I sat back for months + months and I look back on how this all happened I think I could have stopped an innocent man out, and believe me I know he's innocent, and if there any way possible to whomever this letter may concern that I can do anything to help this guy out, I will do it, cause I am a changed man myself now and I can't continue to go on with this on my mind, and the good lord has brought me to say this was all wrong from the start, and it has gotten an innocent man in a messed up situation, and I fought myself and that lady D.A. Perkins for this mistake, and I Jamar Brown am willing to testify or do whatever possible right now to not have that innocent

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man punished for my trouble. To whom ever this may concern will you please respond soon.

X In reference To: Again I Jamar Brown do not even know Kourtney Greenwood, and he is not the guy who was with me at the time I committed these crimes, and he ~~was~~ as an innocent man is being punished for some he did not do ~~an~~ /or knows nothing about, which I fought myself and Det. Perkins for this mistake, and I am willing to Testify in Kourtney Greenwood behalf or do whatever to make things right here to ^{whom} ever it may concern.

Sincerely,
Jamar Brown Jamar Brown

State of Ala. - Mt. Co. Notary
Sworn to and subscribed before me this 18
day March 03.

My commission Expires 1-17th day of 2006

Deety Stan - Notary Public

Sincerely Jamar Brown ^{AIS#} 227221
case# 2002-905

MACEO O. KIRKLAND

MACEO O. KIRKLAND, ESQ.

Attorney at Law

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June 6, 2003

Kourtnee Greenwood AIS# 179810
Bed# 2-88B
Donaldson Correctional Facility
100 Warrior Lane
Bessemer, AL. 35023

Re: Your application for rehearing and recent correspondence

Dear Kourtnee:

I have filed your application for rehearing in the Court of Criminal Appeals. I will inform of the outcome of that pleading when the clerk informs me. I have also met with Jamar Brown and he informed me that you were not his accomplice and that he refused to testify on your behalf because Ms. Perkins promised to get him a 20/3 split or probation. These facts are not reflected in the record on appeal, but they could be useful for a Rule 32 petition.

Regarding your insistence for your previous trial transcript, your sentencing transcript, and the consolidation transcripts, enclosed with this letter you will find copies of my motions to the trial judge for all of that. The court reporter who recorded those proceedings must be paid for typing them. I have asked the judge for the money to do so. That's the only way I can get those transcripts. I am doing all I can do, and I don't appreciate being threatened with the Rules of Professional Conduct in your last correspondence.

Sincerely,

Maceo O. Kirkland

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